

STATE OF NEW YORK

SOUTHERN DIST. COUNTY

U. S. DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 08 CV 4614 AND FILED ON MAY 19, 2008

ATTORNEY(S) Sullivan Papain Block McGrath &amp; Cannava P.C.

Brian Lavin and Marilyn Lavin

Plaintiff(s)/Petitioner(s)

vs

The City of New York and Amec Construction Management, Inc., et al.,

Defendant(s)/Respondent(s)

STATE OF TENNESSEE

COUNTY OF

KNOX

, SS.:

DAVID WHITAKER

, being duly sworn deposes and says deponent is not a party herein,

and is over the age of eighteen years. That on

16 JUNE 2008 at 1:30 PMat 6421 Wilbanks AdKNOXVILLE, TN 37912deponent (did) did not serve the within

## Summons &amp; Complaint

on: Connie Nichols. Phillips & Jordan, Inc. , Defendant (herein called recipient) therein named.#1 INDIVIDUAL  By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORP.  A NORTH CAROLINA corporation, by delivering thereat a true copy of each to CONNIE NICHOLS personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be VICE-PRESIDENT thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON  By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state#4 AFFIXING TO DOOR  By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.#5 MAILING COPY  On \_\_\_\_\_ deponent completed service under the last two sections by depositing a copy of the

to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent called at the aforementioned address on the following dates and times:

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_#6 NON-SERVICE  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following:

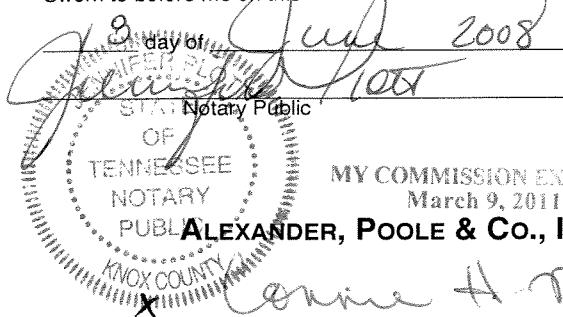
[ ] Unknown at Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Other

#7 DESCRIPTION A description of the Defendant, or other person served, on behalf of the Defendant is as follows:

(use with #1, 2 or 3) Sex F Color of skin W Color of hair BLD Approx.Age 50 Approx.Height 5'1" Approx. weight 105 Other \_\_\_\_\_#8 WIT. FEES  \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not.

Sworn to before me on this

David Whitaker

Invoice-Work Order # 0811345

ALEXANDER, POOLE &amp; CO., INC. • 11 NORTH PEARL STREET • ALBANY, NEW YORK, 12207